

## **SUBCHAPTER M : GREENBELT RESERVOIR**

### **§284.261. Definitions.**

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

**Authority** - The Greenbelt Municipal and Industrial Water Authority.

**Commission** - The Texas Water Commission.

**Greenbelt Reservoir** - The reservoir located on the Salt Fork of the Red River and its tributaries in Donley County, approximately five miles north of Clarendon, Texas.

**msl** - The abbreviation for mean sea level.

**Organized disposal system** - Any system for the collection, treatment, and disposal of sewage operated in accordance with the terms and conditions of a permit issued by the commission.

**Private sewage facilities** - All facilities, systems, and methods used for the disposal of sewage other than disposal systems operated under a permit issued by the commission.

**Sewage** - Waste that is primarily organic and biodegradable or decomposable and that generally originates as human, animal, or plant waste from certain activities, including using toilet facilities, washing, bathing, and preparing food.

**Standards** - The standards set forth in the pamphlet entitled "Construction Standards for On-Site Sewerage Facilities" and all future amendments thereto, which were adopted by the Texas Board of Health, pursuant to Texas Civil Statutes, Article 4477-1, as Texas Department of Health rules, 25 TAC §§301.11-301.17 (relating to Construction Standards for On-Site Sewerage Facilities), effective January 1, 1988.

**Subdivision** -

(A) A subdivision which has been platted and recorded with the county clerk of the county or counties in which the land lies, or which is required by statute to be so platted and recorded; or

(B) any 10 or more adjoining lots or tracts, each of which is less than one acre in size.

### **§284.262. Licensing Area.**

(a) Restricted area. The restricted area is designated as all of the area bounded by a line parallel to and not less than 75 feet from the 2,674.0-foot above msl contour line, measured horizontally away from the reservoir. The restricted area also includes all the area of the lake bed to the 2,674.0-foot above msl contour line, and all islands.

(b) Water quality area. The water quality area is defined as all the area in the Greenbelt Reservoir watershed beyond the restricted area bounded by a line parallel to and 2,000 feet from the 2,674.0-foot above msl contour line, measured horizontally away from the reservoir.

(c) Regulated area. The regulated area is that area for which this subchapter applies. This area is defined as all of the area within the restricted area and water quality area.

**§284.263. Sewage Facilities.**

(a) Restricted area. After June 24, 1976, no part of any soil absorption field may be constructed within the restricted area. Sewage facilities or any part of a sewage facility which permits an interchange of sewage with reservoir water may not be constructed within the restricted area after June 24, 1976. Prior to any construction of the following sewage facilities, plans must be submitted to the authority for determination of the requirements in this subsection: lift stations, sewer manholes, septic tanks, parts of septic tank systems, holding tank systems, and tile or concrete sanitary systems.

(b) Water quality area. After June 24, 1976, no sewage facilities of any kind may be constructed within the water quality area except those of organized disposal systems authorized by valid permits issued by the commission or septic tanks or other approved systems licensed in accordance with this subchapter.

**§284.264. Discharge of Sewage.**

All sewage disposal within the regulated area shall be in accordance with one of the following types of authorizations:

(1) sewage discharged into an organized waste disposal system or other facility operating under a valid permit issued by the commission;

(2) sewage discharged into a private sewage facility licensed in accordance with the regulations contained in this subchapter; or licensed by the authority prior to the effective date of this subchapter; or sewage discharged into an alternate type of private sewage facility approved by the Texas Department of Health and licensed by the authority; or

(3) sewage discharged into a private sewage facility existing on June 24, 1976, and not causing pollution or injury to public health.

**§284.265. Licensing Function and Requirements.**

(a) The Greenbelt Municipal and Industrial Water Authority is designated by the commission to perform all of the licensing, enforcement, and related functions of this subchapter.

(1) The authority shall have the following powers:

(A) to make reasonable inspections of all private sewage facilities located or to be located within the area covered by this subchapter; and

(B) to collect all fees approved by the commission necessary to recover all the costs incurred in meeting the requirements of this subchapter.

(2) The authority shall perform all the duties necessary to meet the requirements of this subchapter.

(b) New private sewage facilities, or existing private sewage facilities which are substantially or materially altered, to be located within the boundaries of the regulated area or within an existing subdivision in the regulated area, must meet the following requirements.

(1) A license must be obtained for the use of these facilities from the authority.

(2) The lot or tract in question must be large enough, considering soil and drainage conditions and anticipated waste loadings, to permit the use of a private sewage facility without causing water pollution, nuisance conditions, or endangerment to public health. All lots or tracts must meet the requirements of the latest edition of the "Standards".

(c) All private sewage facilities to be installed or constructed after the effective date of this subchapter must conform to the latest "Standards" set out by the Texas Department of Health.

(d) Septic tanks for nonresidential institutions (motels, tourist camps, tourist courts, hospitals, service stations, etc.) to be installed or constructed after the effective date of this subchapter must conform to the latest standards set out by the Texas Department of Health.

(e) A new subdivision to be developed within the regulated area after June 24, 1976, which utilizes private sewage facilities must meet the following requirements.

(1) A license must be obtained from the authority for each private sewage facility.

(2) Each lot or tract in the subdivision must be at least the size required by the latest edition of the "Standards."

(f) The following shall apply to new private sewage facilities.

(1) Any license issued under the authority of this subchapter will be transferred to a succeeding owner and such license will continue in existence for the unexpired term of the license provided the new owner applies to the authority and provided there is no significant change in amount or quality of sewage to be placed in the private sewage facility. The authority will charge a transfer fee whenever a license is transferred to a succeeding owner.

(2) Application forms for licenses may be obtained from the authority. In order to initiate an application for a license, the completed application form, together with the appropriate fee, shall be filed with the authority.

(3) The authority will perform as soon as practical such inspections and tests as may be deemed necessary.

(4) Upon a finding by the authority that use of the private sewage facility will not cause pollution or injury to the public health and is not in conflict with the terms and regulations of this subchapter:

(A) a license effective for a term of five years will be issued. At the end of five years, the system will be reinspected and an inspection fee assessed; and

(B) A new license issued under the terms of subparagraph (A) of this paragraph may be renewed for successive terms of five years.

(5) Upon a finding by the authority that the private sewage facility will not be licensed, the applicant shall be notified in writing of the finding and of the defects which prevent licensing.

**§284.266. Approval of Subdivision Plans for Private Sewage Facilities.**

Any developer or other person interested in creating a subdivision using private sewage facilities must obtain approval from the authority of the plans for sewage disposal. The party must fulfill the following requirements.

(1) An application for approval of the subdivision sewage disposal plan and appropriate filing fee shall be submitted to the authority.

(2) The developer shall inform each prospective buyer:

(A) that the subdivision is subject to all of the terms and conditions of this subchapter;

(B) that a license will be required for any private sewage facility constructed in the subdivision; and

(C) that a sewage disposal plan has been filed for the subdivision and that the areas suitable for private sewage facilities have been defined.

**§284.267. Existing Private Sewage Facilities.**

(a) Private sewage facilities existing within the regulated area before June 24, 1976, are not required to be licensed provided the facility is not causing pollution or injury to public health.

(b) If a system in existence before June 24, 1976, is found to be malfunctioning, the authority shall require correction and licensing as a new system in accordance with §284.265 of this title (relating to Licensing Function and Requirements).

(c) Private sewage facilities existing within the regulated area before June 24, 1976, must be licensed as a new facility if the facility is substantially or materially modified.

(d) Licenses issued for private sewage facilities by the authority pursuant to Texas Department of Water Resources rules (§§371.261-371.273 of this title (relating to Greenbelt Reservoir)), which are replaced by this subchapter, shall remain in effect for the term stated therein as if issued under this subchapter.

**§284.268. Connection of Private Sewage Facility to Organized Waste Collection, Treatment, and Disposal Systems.**

In order to implement the stated policy of the legislature and the commission that the development and use of organized waste collection, treatment, and/or disposal systems should be encouraged to meet the needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state, the following requirements are set out.

(1) No license shall be issued for any private sewage facility when any part of the facility is closer than 300 feet in horizontal distance to an organized system whenever feasible and legally possible.

(2) Whenever an organized waste collection, treatment, and disposal system is developed to within 300 feet in horizontal distance from any part of a private sewage facility, licensed or not, that facility shall be connected to the organized system within 90 days whenever feasible and legally possible.

**§284.269. Terms and Conditions for Granting of Exceptions.**

The commission intends that the regulations contained in the order be strictly enforced but realizes that certain individual situations may require the granting of an exception to the requirements contained in the subchapter so that hardships may be avoided. Therefore, the following terms and conditions are established.

(1) Any person desiring an exception shall file an application with the authority for its analysis of the specific nature of the situation.

(2) The authority shall review the application and issue a statement either granting or denying the application. When an application is denied, the statement shall set out the reasons for the authority's decision and may also set out what corrective measures, if any, could be undertaken to achieve licensure.

**§284.270. Terms and Conditions for Appeal.**

(a) The commission intends that any disputes concerning the application of these sections to individual situations be negotiated to conclusion between the licensing authority and the individuals involved, if possible. However, any person aggrieved by an action or decision of the licensing authority may appeal to the Texas Water Commission if the following terms and conditions are met:

(1) All of the appropriate steps required by the aggrieved person by the terms and conditions of the subchapter have been met.

(2) The aggrieved person has made a conscientious effort to resolve his problems with the licensing authority.

(b) Appeal is properly made by the aggrieved party by filing a written statement stating with specificity the nature of the grievance. This statement is to be filed with the executive director of the commission who will then cause notice of the appeal to be issued to the licensing authority. The executive director will then forward the appeal to the Texas Water Commission for its consideration.

**§284.271. Fees.**

License fees, inspection fees, transfer fees, and renewal fees will be in accordance with a fee schedule established by the authority. These fees shall be paid to and collected by the authority so long as the authority remains the delegate of the Texas Water Commission for the purposes and functions specified in this subchapter. The establishment of this fee schedule does not impair or prohibit the imposition of reasonable charges by the authority at the request of the applicant in connection with presentation of an application and collection of required data. Percolation tests and other examinations will be performed by the authority on a cost basis. These tests may also be performed by a registered engineer or a registered sanitarian. The fee schedule will be in accordance with §284.274 of this title (relating to Fee Schedule).

**§284.272. Enforcement of this Subchapter.**

(a) Criminal penalty. As provided in the Texas Water Code, §26.214, a person who violates any provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each day that a violation occurs constitutes a separate offense. Jurisdiction for prosecution of a suit under this section is in the justice of the peace courts.

(b) Civil penalty. A person who violates any provision of this subchapter is subject to an injunction by court order and to a civil penalty for each act of violation and for each day of violation, to be recovered as provided in the Texas Water Code, Chapter 26.

**§284.273. Severability Clause.**

If any provision of this subchapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the subchapter and of the application of such provision to other persons and circumstances shall not be affected hereby.

**§284.274. Fee Schedule.**

The authority shall establish a fee schedule for the private sewage facilities regulatory program around Greenbelt Reservoir and maintain a copy of such fee schedule at the authority's offices for inspection by the public. Such fee schedule shall set reasonable fees for services performed by or at the direction of the authority and may, subject to applicable laws, be amended by the authority from time to time.